only prima facie evidence of the receipt of the goods, and as such may be explained or contradicted, even as against an innocent holder for value. *Pollard* v. *Vinton,* supra; *St. Louis, etc., R. Co.* v. *Knight,* 122 U. S. 79. It follows then since the receipt of the goods is at the basis of the contract to carry and deliver, that if the receipt may be so contradicted, there is no liability on the carrier unless the goods have actually been received. Other courts have found many reasons why the carrier should be estopped, as against the innocent holder for value, to deny the receipt of the goods. The carrier has clothed his agent with power to issue bills of lading. Whether or not the goods have actually been received is peculiarly within the knowledge of the carrier. The execution of the bill of lading is an assertion that the goods have been received, and it is upon this assertion that the innocent purchaser relies. *Bank of Batavia* v. *New York, etc., R. R.,* 106 N. Y. 195; *Brooke* v. *New York, etc., R. R.,* 108 Pa. St. 529; *Sioux City, etc., R. Co.* v. *First National Bank,* 10 Neb. 556; *St. Louis, etc., R. Co.* v. *Larned,* 103 Ill. 293. Minnesota also adopts the reasoning of these cases, but holds to the contrary rule on the ground of uniformity and convenience. *National Bank* v. *Chicago, etc., R. Co.,* supra. The court in the principal case says, "The action of the carrier in thus holding its agent out to the public as having authority to issue such and put it into the power of the holder to treat with innocent purchasers on the representations of the bills, is held to constitute an estoppel in pais."

COMMERCE—CARRIERS—STATE REGULATION—CONGRESSIONAL INACTION.—Action by a shipper to compel a carrier to resume the transfer and return of cars loaded and unloaded from the line of a connecting carrier to the shipper's flour mill and elevator on payment of the customary charges, the carrier voluntarily performing such service for all other shippers, *held,* that the state court may compel the carrier by mandamus to perform such services, neither Congress nor the Interstate Commerce Commission having taken specific action, even though both carriers are engaged in interstate commerce and the major portion of the shipper's product is shipped outside of the state. (Mr. Justice MOODY and Mr. Justice WHITE dissenting.) *Missouri Pacific Railway Co.* v. *Larabee Flour Mills Co.* (1909), 29 Sup. Ct. 214.

The case is distinguished from the somewhat similar case of *McNeill* v. *Southern R. Co.,* 202 U. S. 543, 50 L. Ed. 1142, 26 Sup. Ct. 722, relied upon by Mr. Justice MOODY in his dissent, in that in that case it was attempted to compel the movement of cars engaged in interstate commerce, before the completion of the transportation, beyond the carrier's right of way to a private siding, whereas in the principal case power to prevent unjust discrimination and the enforcement of the carrier's common law duty is involved. COOLEY in PRIN. CONST. LAW, p. 71, says, "The power that controls the foreign and interstate commerce of the country must undoubtedly have the authority to take these subjects under its control as part of its commercial regulations. But although such state regulations may affect interstate commerce in some measure, if the regulations are local in their

nature and adapted to the locality they will not be considered void, unless they run counter to legislation that Congress has enacted." See *Cooley* v. *Port Wardens,* 12 How. 299, 13 L. Ed. 996; *Sturges* v. *Crowninshield,* 4 Wheat. 122, 4 L. Ed. 529; *Houston* v. *Moore,* 5 Wheat. 1, 5 L. Ed. 19. Refusal of state court to limit the liability of a common carrier for its negligence in executing a contract for interstate carriage to the valuation agreed upon is valid in the absence of Congressional action imposing a different measure of liability. *Pennsylvania R. Co.* v. *Hughes,* 191 U. S. 477, 24 Sup. Ct. 132, 48 L. Ed. 268. Regulations for compulsory licenses for railroad engineers from the state are valid. *Smith* v. *Alabama,* 124 U. S. 465, 31 L. Ed. 508, 1 Inter. Com. Rep. 804, 8 Sup. Ct. 564. State regulations for the compulsory receipt, transmission and delivery with due diligence of messages from outside the state are good. *Western U. Tel. Co.* v. *James,* 162 U. S. 650, 40 L. Ed. 1105, 16 Sup. Ct. 934. For analogous holdings see, *Chi., M. & St. P. R. Co.* v. *Solan,* 169 U. S. 133, 42 L. Ed. 688, 18 Sup. Ct. 289; *Reid* v. *Colorado,* 187 U. S. 137, 47 L. Ed. 108, 23 Sup. Ct. 92; *Hennington* v. *Georgia,* 163 U. S. 299, 41 L. Ed. 166, 16 Sup. Ct. 1086. The distinction between the principal case and *McNeill* v. *Southern R. Co.* is rather fine, and the court, seemingly, might better have rested their decision on the fact that the cars in question were not yet appropriated to interstate commerce.

CONSTITUTIONAL LAW—INTERSTATE COMMERCE—COMPELLING CARRIER TO SHARE FACILITIES WITH RIVAL—DUE PROCESS OF LAW.—The constitution of the state of Kentucky provides, that all companies doing a railroad business in the state shall receive and deliver all the freight coming to, or going from any railroad to any point where there is a physical connection between the tracks of said companies, and that they shall not make an exclusive contract with any individual or corporation for the delivery and handling of freight. On a bill in equity by the Central Stock Yards Company against the railroad company seeking to compel it to receive live stock tendered to it outside the state of Kentucky for the Central Stock Yards station at a point of physical connection between its road and the Southern Railroad Company, for ultimate delivery to the Central Stock Yards Company on the line of the Southern Railroad, *held,* that the requirement operated to deprive the railroad company of its property without due process of law, and amounted to an interference with interstate commerce. (Mr. Justice MCKENNA, Mr. Justice HARLAN, Mr. Justice MOODY, dissenting.) *Louisville & Nashville R. R. Co.* v. *Central Stock Yards Co.* (1909), 29 Sup. Ct. 246.

A railroad corporation created by a state is for all purposes of local government a domestic corporation, and its railroad within the state is a matter of domestic concern. The state may make all needful regulations in order to secure the objects of the incorporation, and the safety, good order, convenience and comfort of the passengers and the public. All such regulations are strictly within the police power of the state. *Stone* v. *Farmers Loan & Trust Co.,* 116 U. S. 307; *Smith* v. *Alabama,* 124 U. S. 465; *Hennington* v. *Georgia,* 163 U. S. 299; *New York, New Haven & Hartford* v. *New York,*